

Remarks

Reconsideration is requested in view of the above amendments and the following remarks. Claims 16 and 20-41 are canceled without prejudice or disclaimer. New claims 42-53 are added and are pending.

New claims 42, 44-48, and 50-53 are generally similar to previous claims 16, 21-23, 29-33 and 39, but have been extensively rewritten to improve the form of the claims. New claims 43 and 49 recite subject matter not previously recited. These claims are supported by the original disclosure, for example page 9, lines 15-19.

Interview record attached
Applicant would like to thank the Examiner for the telephone interview conducted on January 29, 2002 with Applicant's representative, James A. Larson. Prior to the interview, a draft amendment and response was faxed to the Examiner for discussion purposes. During the interview, the Jackson (US 2,567,153) and Ojanen (US 5,829,195) references were discussed, and Applicant explained how the draft claims defined over these references. The 35 USC 112, first paragraph rejection was also discussed, and Applicant explained the invention in detail. The Examiner suggested making clarifying amendments to the specification and removing the movements arrows from Figure 2. The Examiner's helpful comments during the interview are appreciated. No specific agreement was reached concerning the allowability of the claims.

Drawings

The drawings are objected to for including non-English text. Submitted herewith is a proposed drawing correction, with all changes shown in red, in which the non-English words in Figure 3 have been replaced with equivalent English text. Withdrawal of the objection is requested. In addition, Applicant proposes amending Figure 2 to remove the solid black arrows signifying movement of the window panel 223. Applicant notes that the drawing changes submitted on August 13, 2001, which have been approved by the Examiner, are also shown for the sake of convenience. Applicant will submit formal drawings incorporating all changes upon approval of the changes by the Examiner.

35 USC 112, 1st paragraph

Claims 16 and 20-41 are rejected under 35 USC 112, first paragraph, as containing subject matter that is not enabled by the disclosure. This rejection is respectfully traversed, and reconsideration is requested in view of the following.

The rejection asserts that "said support elements movably supporting said mobile panel such that said mobile panel is movable so as to open and close said at least one opening" is not supported and enabled by the specification. In support of the rejection, the rejection refers to the window panel 222 as being disclosed as being either fixed or movable. It appears that there is some confusion concerning the invention.

As described, Applicant's invention relates to a new door for a vehicle. The door includes a lower part 21 and an upper part 22. The upper part 22 includes a frame 221 which supports a fixed window panel 222 and a movable window panel 223. The frame 221 is connected to only an inner surface of the window panel 222 (page 7, lines 10-13). The fact that the panel 222 is fixed is evident from Figure 2, which shows the window panel 222 as being supported at its top and bottom between portions of the frame 221, and from the connection of the frame to the inner surface of the panel 222. The movable panel 223 is supported, for example, by rails 225, 226 on either the frame 221 (page 7, lines 19-21; page 9, lines 17-19) or, in an alternate embodiment, on the fixed window panel 222 (page 9, lines 13-16). When supported in the rails 225, 226, the movable panel 223 can simply slide back and forth within the rails to open and close the opening 228. As evident from Figure 2, this movement in the rails occurs in a plane that is generally parallel to the plane of the fixed window panel 222. The means for allowing movement of the panel 223 relative to the panel 222 is known in the art. For example, the disclosure refers to one document, EP 778 168, that teaches one way of permitting movement between a fixed window panel and a movable panel that is "flush" with the fixed panel (page 7, lines 26-29; page 8, lines 18-20). A more complex movement scheme between a movable and fixed panel is disclosed in EP 857 844 (page 9, lines 27-29). Other movements between the movable panel and the fixed panel are also contemplated (page 9, lines 1-9).

The rejection references panel 222 when discussing window movements. As discussed above, the panel 222 is fixed; the panel 223 is movable. Some confusion may have been caused by the description starting on page 7, line 22, which mentions that the window 222 may be fixed,

but that is desirable that it can be opened. The passage in question was meant to imply that there can be an opening 228 in the window, an opening that is closed by the movable window panel 223. That this is the actual structure is clear from Figure 2, which illustrates two window panels, a fixed panel 222 and movable panel 223 that can be disposed in opening 228. Applicant has amended the specification to clarify this arrangement. As the drawings form part of the original disclosure, the amendments are supported by the original disclosure.

With respect to the previous claim 23, the disposition of the window panels 223, 222 in Figure 2 along with the previous movement arrow provided on the panel 223 imply that the panel 223 can move in a plane that is parallel to the plane defined by the panel 222.

With respect to previous claims 24 and 25, the language found therein is not used in the new claims.

For at least the reasons presented above, the claims are definite, and withdrawal of the rejection is requested.

Submitted herewith is a substitute specification that includes all of the current proposed changes as well as all previous amendments. A marked-up copy showing the changes is also included. Entry of the substitute specification is requested.

35 USC 112, second paragraph

Claim 22 is rejected as being indefinite. The new claims have been written to avoid the problem noted by the Examiner. The new claims are definite, and withdrawal of the rejection is requested.

Art rejections

Claims 16 and 20-41 are rejected 35 U.S.C. § 102(b) as being anticipated by Jackson et al. (U.S. Patent No. 2,567,153). Applicant respectfully traverses the rejection and reconsideration is requested in view of the following comments.

In addition, claims 16 and 20-41 are rejected 35 U.S.C. § 102(b) as being anticipated by Ojanen (U.S. Patent No. 5,829,195). Applicant respectfully traverses the rejection and reconsideration is requested in view of the following comments.

Claims 16 and 20-41 have been canceled, rendering the rejections as applied to these claims moot.

Applicant will discuss the prior art references as applied to new claims 42-53. Applicant respectfully submits that Jackson and Ojanen do not anticipate the claimed invention for at least the reason that Jackson and Ojanen do not disclose or suggest a frame (claim 42) or support elements (claim 48) that is/are connected to a fixed window panel at only the inner surface of the fixed window panel. As described, by connecting the frame/support elements to only the inner surface of the fixed window panel, a flush, aesthetic, aerodynamic appearance is obtained (see, for example, page 7, lines 17-21).

Jackson does not disclose such a configuration. In Jackson, as shown in Figure 2, the fixed window panel 68 is supported by a frame 46 that includes a U-shaped channel 65 that receives and supports the edges of the panel 68 (col. 3, lines 5-10). As a result, the frame 46 is connected to both sides of the panel 68. The frame 46 is therefore visible from the exterior of the vehicle.

Likewise, Ojanen does not disclose such a configuration. In Ojanen, a fixed window panel 12 is supported by a frame 18 (col. 4, lines 63-67). The frame 18 includes a U-shaped channel 64 defined by an interior leg 60 of track 20 and a flange 66 of frame portion 38 (col. 5, lines 39-43; col. 6, lines 33-38). The edge of the fixed window panel 12 is supported within the channel 64, and is therefore connected to the frame at both its interior and exterior surfaces. The frame 18 is therefore visible from the exterior of the vehicle.

As claims 42 and 48 include structure and functions neither disclosed nor even suggest by Jackson and Ojanen, Applicant respectfully submits that claims 42 and 48 are not anticipated by Jackson and Ojanen.

Claims 43-47 and 49-53 depend from claims 42 and 48, respectively, and include the limitations thereof and need not be separately distinguished.

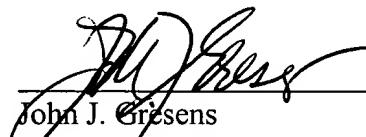
Conclusion

With these amendments Applicant believes that the claims now pending in this patent application are in immediate condition for allowance. Favorable consideration is respectfully requested. If any issues remain which the Examiner feels may be resolved over the telephone, the Examiner is invited to telephone the undersigned in order to expedite prosecution.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612/332-5300

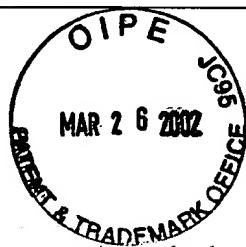
Date: 3/26/02



John J. Gresens
Reg. No. 33,112
JJG/JAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	CHAUVIN	Examiner:	C. COHEN
Serial No.:	09/484,344	Group Art Unit:	3634
Filed:	JANUARY 18, 2000	Docket No.:	9320.95US01
Title:	MANUFACTURING PROCESS FOR AN AUTOMOBILE VEHICLE DOOR, AND THE CORRESPONDING DOOR		

Marked-up Copy Showing ChangesIn the Specification

A marked-up copy of the specification showing all changes being made is enclosed.

In the Claims

Claims 16 and 20-41 have been canceled without prejudice or disclaimer.

New claims 42-53 have been added as follows.

42. (New) A door for an automobile vehicle, comprising:

a lower door part without guide means for a moving window; and
an upper door part that comprises:

- a) a window assembly including a fixed window panel having an inner surface that faces an interior of the vehicle upon which the door is to be mounted, and at least one movable window panel adjacent said fixed window panel and adapted to open and close an opening in the upper door part;
- b) a frame connected to and supporting said window assembly, said frame is connected to said fixed window panel at only the inner surface of said fixed window panel; and
- c) support elements connected to said frame, said support elements movably supporting said movable window panel such that said movable window panel is movable so as to open and close said opening;

and further including means for fixing said lower and upper parts to each other at an assembly area of said door, said assembly area extending approximately horizontally and corresponding to a top of said lower part and a bottom of said upper part.

43. (New) A door according to claim 42, wherein said support elements comprise rails fixed to said frame.

44. (New) A door according to claim 43, wherein said movable window panel is movable in a plane parallel to a plane defined by said fixed window panel.

45. (New) A door according to claim 42, wherein said lower part comprises an outer bodywork panel, an inner trim and a structural element, said outer bodywork panel and inner trim connected to said structural element.

46. (New) A door according to claim 42, wherein said means for fixing is selected from the group consisting of gluing, welding, brazing and riveting.

47. (New) A door according to claim 42, wherein said assembly area extends substantially a whole length of said upper part.

48. (New) A door for an automobile vehicle, comprising:

a lower door part without guide means for a moving window; and
an upper door part that comprises:

- a) a window assembly including a fixed window panel having an inner surface that faces an interior of the vehicle upon which the door is to be mounted, and at least one movable window panel adjacent said fixed window panel and adapted to open and close an opening in the upper door part;
- b) support elements connected to said fixed window panel at only the inner surface thereof, said support elements movably supporting said movable

window panel such that said movable window panel is movable so as to open and close said opening;

and further including means for fixing said lower and upper parts to each other at an assembly area of said door, said assembly area extending approximately horizontally and corresponding to a top of said lower part and a bottom of said upper part.

49. (New) A door according to claim 48, wherein said support elements comprise rails fixed to said fixed window panel.

50. (New) A door according to claim 49, wherein said movable window panel is movable in a plane parallel to a plane defined by said fixed window panel.

51. (New) A door according to claim 48, wherein said lower part comprises an outer bodywork panel, an inner trim and a structural element, said outer bodywork panel and inner trim connected to said structural element.

52. (New) A door according to claim 48, wherein said means for fixing is selected from the group consisting of gluing, welding, brazing and riveting.

53. (New) A door according to claim 48, wherein said assembly area extends substantially a whole length of said upper part.

1/2

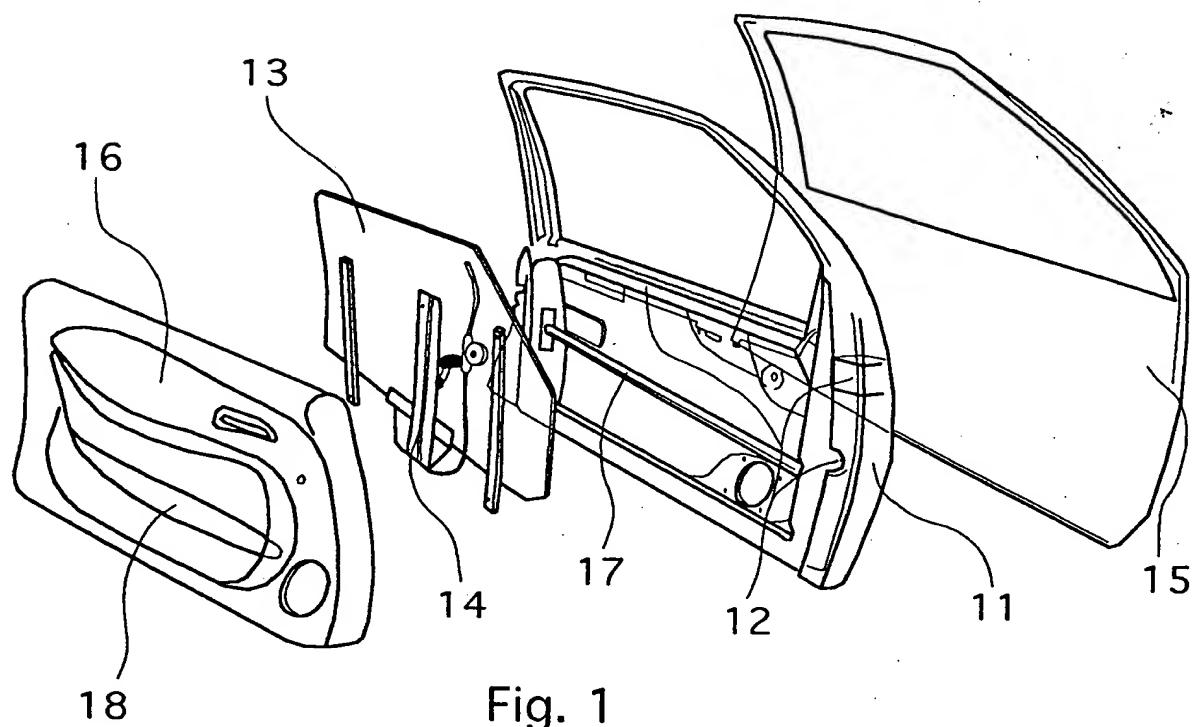


Fig. 1
Prior Art

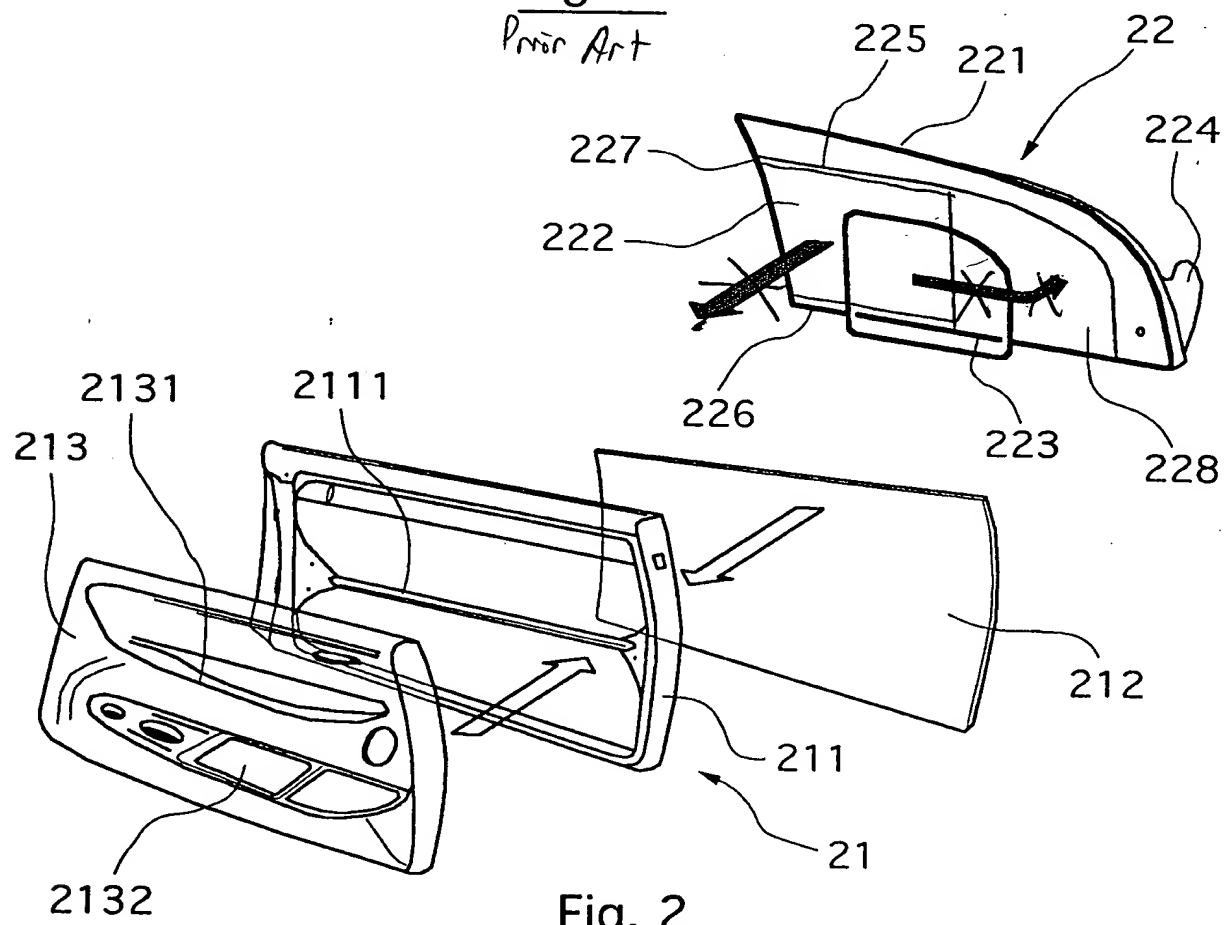
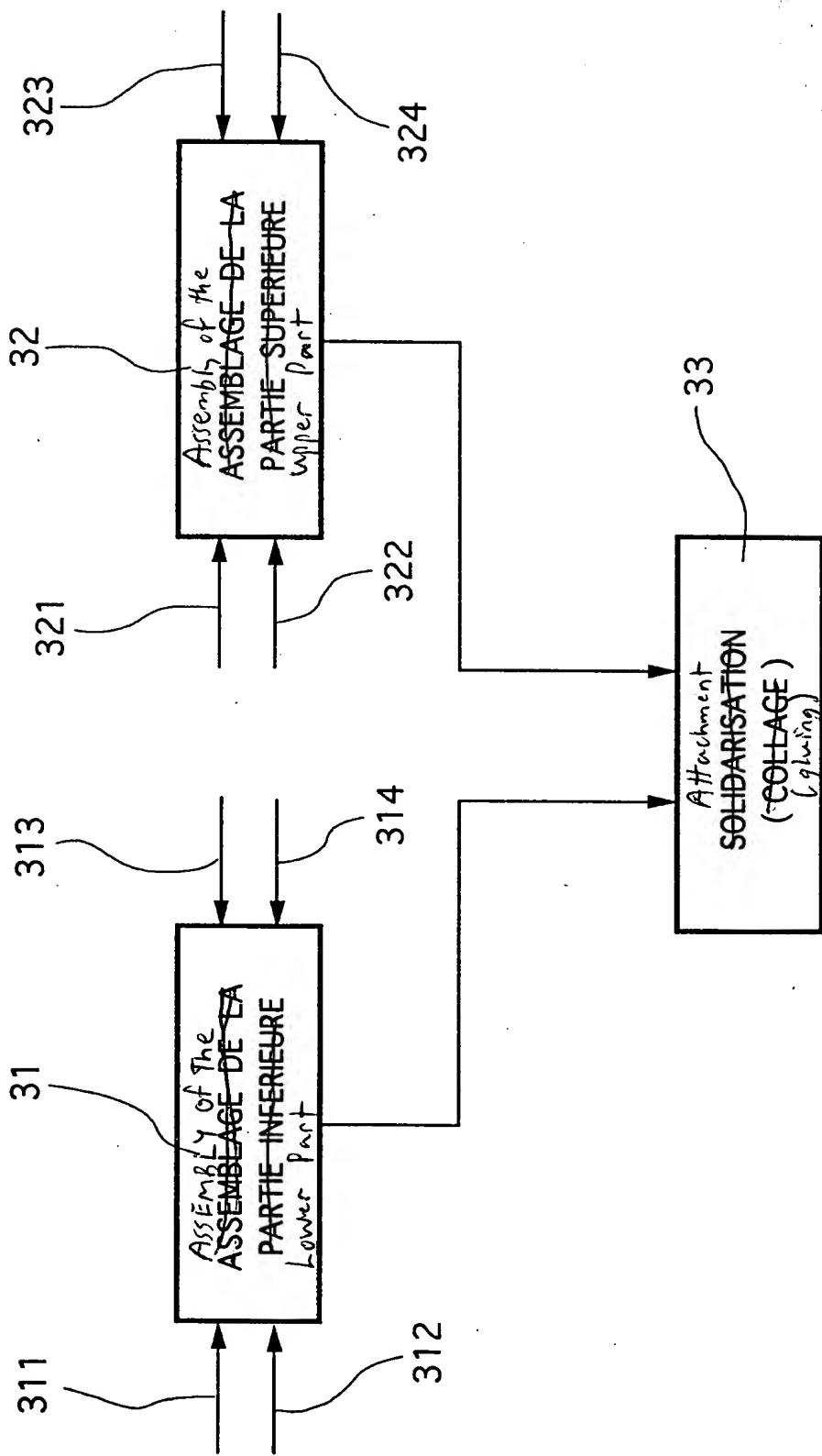


Fig. 2

Fig. 3